



**City of Scottsdale  
Charter Review Task Force**

**MARKED AGENDA**

5:00 p.m., Monday, December 7, 2009  
City Hall Kiva Forum, 3939 N. Drinkwater Blvd., Scottsdale, AZ 85251

**Call to Order / Roll Call - MEETING WAS CALLED TO ORDER AT 5:10 P.M. WITH ALL MEMBERS PRESENT, EXCEPT SUSAN BITTER SMITH**

- 1. Approval of Minutes from November 30, 2009 – LISA JOHNSON STONE MOVED APPROVAL. CINDI EBERHARDT SECONDED. PASSED 6-0.**
- 2. Public Comment – NO PUBLIC COMMENT**
- 3. Discussion and possible action regarding recommendations to the City Council regarding possible amendments to the Scottsdale City Charter**
  - a. Discuss possible recommendations for amendments to Article 2, Section 17 relating to the Council's Interactions with and Discussions about City Employees, and other related sections.

**CHARLIE SMITH MOVED THAT THE TASK FORCE RECOMMEND TO THE COUNCIL THAT ARTICLE 2, SECTION 17 BE AMENDED AS SHOWN. ALAN KAUFMAN SECONDED. MOTION PASSED 6-0.**

**~~"Sec. 17. Interference in administrative service. APPOINTMENTS, REMOVALS, AND INTERACTIONS WITH CITY EMPLOYEES~~**

- A. ~~Neither the council nor any of its members shall direct CONTROL or request DEMAND the appointment of any person to, or his removal from, office by the city manager or by any of his subordinates, or in any manner take part in the appointment or removal of CITY EMPLOYEES SUBJECT TO THE DIRECTION AND SUPERVISION OF ANY OFFICER OF THE CITY officers and employees in the administrative service of the city.~~**
- B. ~~Except for the purpose of inquiry, tThe council and its members shall deal MAY INTERACT with SUCH EMPLOYEES the administrative service solely through the city manager, and FOR THE PURPOSE OF INQUIRIES. HOWEVER, neither the council nor any member thereof shall give orders to any subordinates of the city manager SUCH EMPLOYEE, either publicly or privately.~~**
- C. THIS SECTION DOES NOT APPLY TO CITY EMPLOYEES WHOSE PRIMARY DUTY IS TO DIRECTLY SERVE THE MAYOR OR MEMBERS OF THE COUNCIL.**

**~~Nothing in this section shall be construed, however, as prohibiting tThe council, while in open sessions from fully and freely discussing with or~~**

~~suggesting to the city manager~~ AT A PUBLIC MEETING, MAY EXPRESS ITS VIEWS AND FULLY AND FREELY DISCUSS WITH ANY OFFICER OF THE CITY anything pertaining to city affairs or the interests of the city.”

- b. Discuss possible recommendations for amendments to Article 6 relating to Finance and Taxation.

LISA JOHNSON STONE MOVED THAT THE TASK FORCE RECOMMEND TO THE CITY COUNCIL THAT ARTICLE 6, SECTION 3 BE AMENDED AS SHOWN. ALAN KAUFMAN SECONDED. MOTION PASSED 4-2 (CINDI EBERHARDT, CHARLIE SMITH)

“Sec. 3. Submission of RECOMMENDATIONS AND estimates to council; ~~scope of city manager’s estimate.~~

~~EACH YEAR, On or before the second regular council meeting in May, of each year, or on such date in each year as shall be fixed~~ DETERMINED by the council, the city manager, ~~IN CONJUNCTION AFTER CONSULTATION WITH THE CITY TREASURER,~~ shall prepare and submit in writing to the council ~~the estimates of each department and his own personal report and recommendations FOR THE NEXT ENSUING FISCAL YEAR WITH, and estimateS OF THE CITY’S as to the probable expenditures of the city for the next ensuing fiscal year, stating the amount in detail required to meet all expenditures necessary for city purposes, including FUNDS REQUIRED TO SERVICE ANY interest and sinking funds, and outstanding indebtedness, if there be any; also an estimate of the amount of income expected from all sources in each department,; and the probable amount required to be raised by taxation to cover such expenditures, interest and sinking funds.”~~

CINDI EBERHARDT MOVED THAT THE TASK FORCE RECOMMEND TO THE CITY COUNCIL THAT ARTICLE 6, SECTION 2, 4, 5(A), AND 6 BE AMENDED AS SHOWN. ALAN KAUFMAN SECONDED. MOTION PASSED 6-0.

“Sec. 2. Council to provide for tax system; use of county services.

The council may by ordinance provide a system for the assessment, levy and collection of all city taxes, not inconsistent with the provisions of this charter OR STATE LAW; provided, however, the council shall have power to avail itself of any law of this state, now or hereafter in force, and comply with the requirements thereof whereby assessments may be made by the assessor of the county in which the city is situated and taxes collected by the tax collector of said county for and in behalf of the city.”

“Sec. 4. Preparation and tentative adoption of a budget; publication of budget and notice of meeting to fix tax levies.

The council shall meet annually prior to fixing the tax levy and make a budget of the estimated amounts required to pay the expenses of conducting the business of the city for the ensuing fiscal year. The budget shall be prepared in such detail as provided by law and, together with a notice that the council will meet for the purpose of making tax levies, in accordance with said budget, at the time and place set out in said notice, shall be published ~~in the official newspaper of the city AS REQUIRED BY STATE LAW OR ORDINANCE. once a week for at least two (2) consecutive weeks following the tentative adoption of such budget.”~~

“Sec. 5. Public hearing and adoption of budget.

The council shall, at the first regular meeting in June and at the time and place designated in such notice, hold a public hearing at which any taxpayer may appear and be heard in favor of or against any proposed expenditure or tax levy. When such hearings shall have been concluded, the council shall finally determine and adopt estimates of proposed expenditures for the various purposes as set forth in the published proposal and such adopted estimates will constitute the budget for the next fiscal year.

~~(a) After the conclusion of such public hearing, the council may insert new items or may increase or decrease the items of the budget. The council may not vary the titles, descriptions or conditions of administration specified in the budget. Before inserting any additional item or increasing any item of appropriation, it must cause to be published a notice at least once in the official newspaper of the city, setting forth the nature of the proposed increases and fixing a place and time, not less than five (5) days after publication, at which time the council will hold a public hearing thereon."~~

**"Sec. 6. Exceeding adopted budget.**

~~Nothing in this article shall be construed to limit the power of the council to appear before the state tax commission or any other duly authorized state body for the purpose of requesting authorization to exceed the adopted budget for emergency or unanticipated municipal expenditures, AS PROVIDED BY STATE LAW."~~

**ALAN KAUFMAN MOTION TO STRIKE ARTICLE 6, SECTION 12 AND RENUMBER FAILED FOR LACK OF SECOND.**

**LISA JOHNSON STONE MOVED THAT THE TASK FORCE RECOMMEND TO THE CITY COUNCIL THAT ARTICLE 6, SECTION 12 BE AMENDED AS SHOWN. JIM DEROUIN SECONDED. MOTION PASSED 6-0.**

**"Sec. 12. Claims or demands against the city.**

**THE TIME AND MANNER FOR MAKING NOTICE OF A CLAIM AGAINST THE CITY SHALL BE AS SET FORTH IN STATE LAW. The council shall prescribe by ordinance PROCEDURES RELATING TO THE AUDITING AND PAYMENT OF A CLAIM** ~~the manner and limitations of time in which claims or demands against the city shall be presented, audited and paid."~~

**ALAN KAUFMAN MOVED THAT THE TASK FORCE RECOMMEND TO THE CITY COUNCIL THAT ARTICLE 6, SECTION 14 BE AMENDED AS SHOWN. JIM DEROUIN SECONDED. MOTION PASSED 6-0.**

**"Sec. 14. Independent Annual Audit.**

**Prior to the end of each fiscal year the council shall designate certified public accountants who, as of the end of the fiscal year, shall make PERFORM an independent audit of THE city'S government and shall submit their report to the council and to the city manager ANNUAL FINANCIAL STATEMENTS IN ACCORDANCE WITH GENERALLY ACCEPTED GOVERNMENT AUDITING STANDARDS. THE CERTIFIED PUBLIC ACCOUNTANTS SHALL BE INDEPENDENT OF THE CITY GOVERNMENT, HAVING NO PERSONAL INTEREST, DIRECT OR INDIRECT, IN THE FISCAL AFFAIRS OF CITY GOVERNMENT OR ANY OF ITS OFFICERS. THE CERTIFIED PUBLIC ACCOUNTANTS SHALL SUBMIT THEIR REPORTS TO THE COUNCIL. All such**

~~audit reports shall be a matter of public record. Such accountants shall have no personal interest, direct or indirect, in the fiscal affairs of the city government or of any of its officers. They shall not maintain any accounts or records of the city business, but, within specifications approved by the council, shall post-audit the books and documents kept by the city and any separate or subordinate accounts kept by any other office, department or agency of the city government."~~

**CINDI EBERHARDT MOVED THAT THE TASK FORCE RECOMMEND TO THE CITY COUNCIL THAT SECTION 17 BE ADDED TO ARTICLE 6 AS SHOWN. JIM DEROUIN SECONDED. MOTION PASSED 6-0.**

**"SEC 17. FINANCIAL REPORTING**

**THE CITY TREASURER SHALL ISSUE MONTHLY PUBLIC FINANCIAL STATEMENTS TO THE COUNCIL WITHIN 15 BUSINESS DAYS OF THE MONTH END. THE MONTHLY FINANCIAL STATEMENTS SHALL INCLUDE, BUT NOT BE LIMITED TO, THE ACTUAL, BUDGETED, AND PRIOR YEAR COMPARISONS OF REVENUE AND EXPENDITURES OF EACH OFFICE, DIVISION AND DEPARTMENT, AND ANY ADDITIONAL INFORMATION REQUIRED BY ORDINANCE."**

- c. Discuss possible recommendations for amendments to Article 7 relating to Ordinances and Resolutions.

Please note: Jim Derouin requested that discussion of proposed amendments adding a new Sec. 14 relating to Voter Approval for Certain Public Expenditures be continued to the January 11, 2010 meeting.

**JIM DEROUIN MOVED THAT THE TASK FORCE FORCE RECOMMEND TO THE CITY COUNCIL THAT ARTICLE 7, SECTION 1 BE AMENDED AS SHOWN. CINDI EBERHARDT SECONDED. MOTION PASSED 6-0.**

**"Sec. 1. Council to act by resolution-~~or~~, ordinance, OR MOTION.**

**The council shall act by resolution, ~~or~~ ordinance or MOTION.**

**IN ADDITION TO OTHER ACTS REQUIRED BY LAW OR BY SPECIFIC PROVISION OF THIS CHARTER TO BE DONE BY ORDINANCE, ACTS OF THE COUNCIL SHALL BE BY ORDINANCE IF THEY:**

- (1) ADOPT OR AMEND AN ADMINISTRATIVE CODE OR ESTABLISH, ALTER, OR ABOLISH ANY CITY DEPARTMENT, OFFICE, OR AGENCY;**
- (2) PROVIDE FOR A FINE OR OTHER PENALTY OR ESTABLISH A RULE OR REGULATION FOR VIOLATION OF WHICH A FINE OR OTHER PENALTY IS IMPOSED;**
- (3) LEVY TAXES;**
- (4) GRANT, RENEW, OR EXTEND A FRANCHISE;**
- (5) REGULATE THE RATE CHARGED FOR ITS SERVICES BY A PUBLIC UTILITY;**
- (6) AUTHORIZE THE BORROWING OF MONEY;**
- (7) CONVEY OR LEASE OR AUTHORIZE THE CONVEYANCE OR LEASE OF ANY LANDS OF THE CITY;**

- (8) REGULATE LAND USE AND DEVELOPMENT;**
- (9) AMEND OR REPEAL ANY ORDINANCE PREVIOUSLY ADOPTED; OR**
- (10) ADOPT, WITH OR WITHOUT AMENDMENT, ORDINANCES PROPOSED UNDER THE INITIATIVE POWER.”**

**CONSIDERATION OF ADDITIONAL AMENDMENTS TO ARTICLE 7 WILL BE DISCUSSED AT THE DECEMBER 14, 2009 MEETING**

- d. Discuss possible recommendations for amendments to Article 8 relating to Contracts.

**THIS TOPIC WILL BE DISCUSSED AT THE DECEMBER 14, 2009**

- 4. Review, discuss, and possibly amend draft agenda for the December 14, 2009 meeting - TOPICS AT THE NEXT MEETING WILL INCLUDE CONTINUED DISCUSSION ON ARTICLE 7, DISCUSSION OF AMENDMENTS TO ARTICLE 8 AND ALSO ARTICLE 12, IF TIME.**

**JIM DEROUIN REQUESTED STAFF PREPARE BACKGROUND RESEARCH RELATING TO THE IMPACTS OF PROPOSED SUBSIDY LANGUAGE AND ASK THAT CONTENT EXPERTS BE INVITED TO PRESENT AND RESPOND TO QUESTIONS WHEN THE TOPIC IS DISCUSSED ON JANUARY 11, 2010.**

**Adjournment - MEETING ADJOURNED AT 7:57 P.M.**